

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
Western Division**

**UNITED STATES OF AMERICA**

**-vs-**

**Case No. 06-323-0**

**RODOLFO GUTIERREZ**

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**FINDINGS AND ORDER ON REMOVAL PROCEEDINGS  
PURSUANT TO RULE 5, FED.R.CRIM.P.**

**RODOLFO GUTIERREZ**, having been arrested and presented before me for removal proceedings pursuant to Rule 40, Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5 (c) thereof, and of the provisions of Rule 20, the following has occurred of record.

An Initial Appearance on the Rule 5 Superseding Indictment from SD/TX Corpus Christi Division was held on November 13, 2006.

After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that **RODOLFO GUTIERREZ** is the person named in the warrant for arrest, a copy of which has been produced.

No preliminary examination has been held because the defendant elects to have the preliminary examination conducted in the district in which the prosecution is pending.

It is, therefore,

**ORDERED** that **RODOLFO GUTIERREZ** be held to answer in the district court in which the prosecution is pending. Final Commitment given to the U.S. Marshal.

**DONE** and **ORDERED** in Chambers in Tennessee this \_\_\_\_13<sup>th</sup>\_\_\_\_ day of November, 2006.

\_\_\_\_\_  
s/Diane K. Vescovo  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney  
United States Marshal  
Pretrial Services Office